

LIBRARY
STATE PLANT BOARDUNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH ADMINISTRATION
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE
FOREIGN QUARANTINE NOTICESADMINISTRATIVE INSTRUCTIONS AUTHORIZING THE IMPORTATION FROM
FOREIGN COUNTRIES OF FROZEN FRUITS AND VEGETABLES

On January 21, 1950, notice of proposed issuance of administrative instructions to be designated as 7 CFR 319.56-2c relating to the importation from foreign countries of frozen fruits and vegetables was published in the Federal Register (15 F.R. 365). After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), hereby issues revised administrative instructions to appear as § 319.56-2c in Title 7, Code of Federal Regulations, as follows:

§ 319.56-2c Administrative instructions authorizing the importation from foreign countries of frozen fruits and vegetables. (a) The type of treatment hereinafter designated as freezing shall be one of the commercially-acceptable methods that involves initial freezing at subzero temperatures and subsequent storage at not higher than 0° F., with a storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Chief of the Bureau of Entomology and Plant Quarantine, under authority contained in § 319.56-2, hereby prescribes freezing as a satisfactory treatment for all fruits and vegetables enterable under § 319.56. Such frozen fruits and vegetables may be imported from any country under permit, on compliance with §§ 319.56-1 to 319.56-7, at such ports as shall be authorized in the permits.

(c) Such fruits or vegetables may not be removed from the vessel transporting them until it has been determined by an inspector of the Bureau of Entomology and Plant Quarantine that they are in a satisfactory frozen state on arrival in this country. Upon such determination the inspector will release the shipment.

(d) If the fruits or vegetables in any part of such an importation are found to be unfrozen at the time of inspection upon arrival, the entire shipment shall remain on the transporting vessel under such safeguards as may be prescribed by the inspector of the Bureau of Entomology and Plant Quarantine until it is frozen, transported beyond the territorial waters of the United States, or otherwise disposed of to the satisfaction of the inspector.

1/ Applications for permits to import frozen fruits and vegetables under this subpart may be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J.



(e) The importation from foreign countries of fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be destroyed by freezing.

(f) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for entry in accordance with these instructions.

The foregoing instructions supersede the administrative instructions in B. E. P. Q. No. 462, effective September 15, 1937 (7 CFR 319.56-2c) insofar as they relate to the importation of frozen-pack fruits. The 1937 instructions are otherwise superseded by administrative instructions in 7 CFR 301.13-4a and 301.58-3c.

This section shall be effective on and after March 9, 1950.

(Sec. 5, 37 Stat. 316, 7 U. S. C. 159; 7 CFR 319.56-2)

The purpose of these revised administrative instructions is to authorize the importation from foreign countries under permit of fruits and vegetables frozen by one of the commercially-acceptable methods known as quick freezing, sharp freezing, frozen-pack, or cold-pack. By providing treatments alternative to those previously available, these instructions remove restrictions previously imposed. Accordingly, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the Federal Register.

Done at Washington, D. C., this 24th day of February, 1950.

Acting Chief, Bureau of Entomology and Plant Quarantine